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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GIANARIS, ADAMS, ADDABBO, AVELLA, BRESLIN, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, PERKINS, RIVERA, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to establishing a waiting period for the purchase of a firearm

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new article
2 38-B to read as follows:

3 ARTICLE 38-B

4 WAITING PERIOD FOR PURCHASE OF
5 FIREARMS

6 SECTION 825. DEFINITIONS.

7 826. WAITING PERIOD.

8 827. EXEMPTIONS.

9 828. PENALTY.

10 S 825. DEFINITIONS. AS USED IN THIS SECTION:

11 1. "DEALER IN FIREARMS" HAS THE SAME MEANING AS THAT TERM IS DEFINED
12 IN SUBDIVISION NINE OF SECTION 265.00 OF THE PENAL LAW.

13 2. "FIREARM" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN SUBDIVI-
14 SION THREE OF SECTION 265.00 OF THE PENAL LAW.

15 S 826. WAITING PERIOD. NO DEALER IN FIREARMS SHALL DELIVER ANY
16 FIREARM, AND NO PERSON SHALL TAKE POSSESSION OF ANY FIREARM FROM A DEAL-
17 ER IN FIREARMS UNLESS:

18 1. TEN DAYS HAVE ELAPSED FROM THE DATE SUCH DEALER INITIATED THE
19 NATIONAL INSTANT CRIMINAL BACKGROUND CHECK OF THE PURCHASER AS REQUIRED
20 BY 18 U.S.C. S 922(T), AFTER RECEIVING A COMPLETED FEDERAL FIREARMS
21 TRANSACTION RECORD, FORM 4473, FROM THE PURCHASER; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 2. SUCH DEALER HAS RECEIVED NOTICE THAT THE PURCHASER HAS PASSED ALL
2 BACKGROUND CHECKS REQUIRED BY FEDERAL, STATE AND LOCAL LAW.

3 S 827. EXEMPTIONS. SECTION EIGHT HUNDRED TWENTY-SIX OF THIS ARTICLE
4 SHALL NOT APPLY TO:

5 1. ANY LAW ENFORCEMENT OR CORRECTIONAL AGENCY, OR POLICE OFFICER OR
6 CORRECTIONS OFFICER ACTING WITHIN THE COURSE OR SCOPE OF HIS OR HER
7 EMPLOYMENT;

8 2. ANY FEDERAL OFFICER OR EMPLOYEE AUTHORIZED TO POSSESS OR CARRY A
9 FIREARM IN THE COURSE OF HIS OR HER DUTIES, AND ANY MEMBER OF THE ARMED
10 FORCES OF THE UNITED STATES OR THE NATIONAL GUARD;

11 3. ANY MANUFACTURER, DISTRIBUTOR OR DEALER OF FIREARMS WHEN TRANS-
12 FERRING WEAPONS TO A MANUFACTURER, DISTRIBUTOR OR DEALER;

13 4. ANY GUNSMITH LICENSED PURSUANT TO SECTION 400.00 OF THE PENAL LAW,
14 RECEIVING A FIREARM FOR SERVICE OR REPAIR; AND

15 5. ANY COMMON CARRIER OR OTHER PERSON ENGAGED, IN THE COURSE OF ITS
16 BUSINESS, IN THE BUSINESS OF STORING OR TRANSPORTING GOODS.

17 S 828. PENALTY. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS ARTICLE
18 SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

19 S 2. This act shall take effect on the first of January next succeed-
20 ing the date on which it shall have become a law.